

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

Case No. 7:22-CV-00197-M-RJ

MARK G. EYRE,

Plaintiff,

v.

JOHN BARBER and YELLOW  
HAMMER PIZZA of MD, LLC,  
d/b/a/Domino's Pizza,

Defendants.

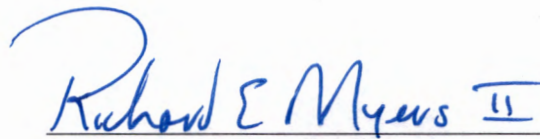
ORDER

This matter comes before the court for review of the Order and Recommendation (the "Recommendation") filed on August 25, 2023, by Magistrate Judge Robert B. Jones, Jr., in accordance with 28 U.S.C. § 636(b). DE 5. In the Recommendation, Judge Numbers recommends that Plaintiff's Complaint be dismissed for lack of subject-matter jurisdiction. *Id.* at 3. The Recommendation, which includes instructions and a deadline for objections, was served on Plaintiff on August 25, 2023. *See id.* at 4. Plaintiff did not file objections to the Recommendation.

The court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge," 28 U.S.C. § 636(b), but need only "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made," *id.* Notwithstanding that Plaintiff raised no objections to the Recommendation, the court has reviewed the Complaint and the Recommendation and made a de novo determination which is in accord with the Recommendation. The court therefore adopts the Recommendation in full.

The Recommendation [DE 5] is hereby ADOPTED, and the Complaint [DE 1-1] is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) for lack of subject matter jurisdiction.

SO ORDERED this 15<sup>th</sup> day of September, 2023.



---

RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE